

REMARKS

The claims now pending in the application are Claims 1 to 38, the independent claims are Claims 1, 10, 18 and 28.

In the Official Action dated June 23, 2003, Claims 1 to 37 were rejected under 35 U.S.C. § 102(b), as anticipated by U.S. Patent No. 5,319,416 (Takagi).

Reconsideration and withdrawal of the rejection respectfully are requested in view of the above amendments and the following remarks.

The rejection of the claims over the cited art respectfully is traversed. The present invention relates to a novel photometric device. In one aspect, as recited in independent Claim 1, the photometric device comprises a first area including a plurality of photoelectric transfer elements for performing photometry in the first area, a plurality of second areas, each included in the first area and sharing photoelectric elements with the first area, for performing photometry in the plurality of second areas, and determination means for correcting a photometric result in the first area when a difference greater than a predetermined value exists among photometric results in the plurality of second areas, and determining whether a backlight state exists based on the corrected photometric result in the first area.

In another aspect, as recited in independent Claim 10, the photometric device includes an overall area where photometry can be performed, where the overall area includes a first area having a plurality of photoelectric transfer elements for performing photometry in the first area, a plurality of second areas, each included in the first area and sharing photoelectric transfer elements for performing photometry in the second areas, and a peripheral area around the first area. The photometric device comprises means for setting

a reference value for determining whether a backlight state exists based on a difference between a photometric result in the first area and a photometric result in the peripheral area or a photometric result in the overall area, and means for correcting the reference value based on the photometric results in the plurality of second areas when a difference greater than a predetermined value exists among photometric results in the second areas.

In another aspect, as recited in independent Claim 18, the photometric device comprises a first area including a plurality of photoelectric transfer elements for performing photometry in the first area, means for determining a plurality of second areas including an object for which backlight is to be determined on the basis of information on measured distance in at least a part of the first area, each second area being included in the first area and sharing photoelectric transfer elements with the first area, and determining means for correcting the photometric result in the first area based on photometric results in the plurality of second areas including the object, and determining whether the object is in a backlight state based on the corrected photometric result.

In another aspect, as recited in independent Claim 28, the photometric device includes an overall area where photometry can be performed, where the overall area has a first area having a plurality of photoelectric transfer elements for performing photometry in the first area, and a plurality of second areas around a periphery of the first area, each being included in the first area and sharing photoelectric transfer elements with the first area. The photometry device comprises means for setting a reference value for determining whether a backlight state exists based on a difference between a photometric result in the first area and photometric results in the plurality of second areas or a photometric result in the overall area, means for determining any of the plurality of second

areas including an object for which a backlight state is to be determined on the basis of information on measured distance in at least a part of the first area, and means for correcting the reference value based on a photometric result in the second areas including the object.

Applicant submits that the prior art fails to anticipate the present invention. Moreover, Applicant submits that there are differences between the subject matter sought to be patented and the prior art, such that the subject matter taken as a whole would not have been obvious to one of ordinary skill in the art at the time the invention was made.

The Takagi '416 patent relates to an exposure calculation device for a camera, and discloses a photometry device. However, Applicants submit that the Takagi '416 patent fails to disclose or suggest at least the above recited features of the present invention. Although the Takagi '416 patent discloses a photometry device including light measuring elements 11a - 11f, (divided elements), Applicants submit that the Takagi '416 patent fails to disclose or suggest that these elements perform the above-recited features, as disclosed and claimed in the present application.

Specifically, Applicant disagrees with the Examiner's characterization of the Takagi '416 patent as disclosing a photometric device 10 comprising a determination means (S5 of Fig. 4) for correcting a photometric result in a first area F4 (11d) when a difference greater than a predetermined value exist among a photometric results in a plurality of second areas F1-F3 (included in the first area and including photoelectric transfer elements B1-B24), and determining whether a backlight state exists based on the corrected photometric result in the first area. (Col. 4, line 55 to Col. 5, line 4). In particular, Applicant submits the Takagi '416 patent fails to disclose or suggest correction

of the photometric result in the first area F4 (11d); rather, Applicant submits the Takagi '416 patent merely computes an exposure value (col. 4 lines 28 to 39). Applicant submits this also is made clear by having determined the one mode based on a photometric result out of the plurality of modes 1-5 (see, e.g., Figs. 6, 7).

Also, citing Applicant's prior argument that the Takagi '416 patent does not disclose the photoelectric transfer elements of a first area are shared with the photoelectric transfer elements for a second area of the photometry device," the Examiner asserts that "F4 of Fig. 3 can be considered the first area and F1-F3 can be considered to be a plurality of second areas. Further, as can be seen from Fig. 3, the photoelectric elements B1-B24 are shared by the first area F4 and the plurality of second areas F1-F3.

Applicant disagrees with the Examiner's characterization for the following reasons. If it is assumed that the photoelectric transfer elements B1-B24 are shared by the first area F4 and the plurality of second areas F1-F3, if the Takagi '416 is read on Claim 1, the following statement must hold: that is, it must be that correction of photometric results of the first area F4 (11d) (including a plurality of photoelectric elements B1-B24) is performed based on the photometric results of the photoelectric transfer elements B1-B24. However, the Takagi '416 patent teaches that when the difference of the photometric results is great among the second areas F1-F3 (included in the first area and including the photoelectric transfer elements B1-B24), one of the photometry values E(1)-(3) used for the calculation of exposure value Eans is chosen (considerably Fig. 7, Col. 10, lines 32 to 38). In other words, the Takagi '416 patent fails to teach or suggest that correction of photometric results of the first area F4 (including the plurality of photoelectric transfer

elements B1-B24) is performed based on the photometric results of the photoelectric transfer elements B1-B24.

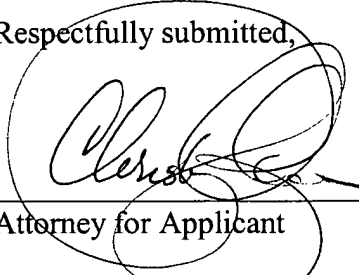
For the above reasons, Applicant submits that independent Claims 1, 10, 18 and 28 are allowable over the cited art.

Claims 2 to 9, 11 to 17, 19 to 27 and 29 to 38 depend from Claims 1, 10, 18 and 28, respectively, and are believed allowable for the same reasons. Moreover, each of these dependent claims recites additional features in combination with the features of independent Claims 1, 10, 18 and 28, and is believed allowable in its own right. Individual consideration of the dependent claims respectfully is requested.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action, and submits that the application is in allowable form. Favorable consideration of the claims and passage to issue of the present application at the Examiner's earliest convenience earnestly are solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicant

Registration No. 32,078

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
CPW\gmc